

Amendment No. 1 to HB0557

Hulsey  
Signature of Sponsor

**AMEND Senate Bill No. 419\***

**House Bill No. 557**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 24-7-123, is amended by deleting subsection (a) and substituting:

Notwithstanding this part to the contrary, a video recording of a child by a forensic interviewer containing a statement made by the child under eighteen (18) years of age describing an act of sexual or physically violent contact performed with or on the child by a person or describing an act of sexual or physically violent contact performed by a person with or on another and witnessed by the child is admissible and may be considered for its bearing on any matter to which it is relevant in evidence at any stage of a criminal proceeding of the person for any offense arising from the sexual or physically violent contact if the requirements of this section are met.

SECTION 2. Tennessee Code Annotated, Section 24-7-123, is amended by deleting subdivision (b)(3)(C) and substituting:

(C)

(i) Had experience equivalent to three (3) years of full-time professional work in one (1) or a combination of the following areas:

- (a) Child protective services;
- (b) Criminal justice;
- (c) Clinical evaluation;
- (d) Counseling; or

(e) Forensic interviewing or other comparable work with children;

or

(ii) Had been supervised by an experienced forensic interviewer for a minimum of twenty (20) forensic interviews, in addition to the requirement of subdivision (b)(3)(E);

SECTION 3. Tennessee Code Annotated, Section 37-1-127, is amended by adding the following new subsection:

( )

(1) A video recording of a child by a forensic interviewer containing a statement made by the child under eighteen (18) years of age describing an act of sexual or physically violent contact performed with or on the child by a person or describing an act of sexual or physically violent contact performed by a person with or on another and witnessed by the child is admissible and may be considered for its bearing on any matter to which it is relevant in evidence at any stage of proceedings in an action under this title, if the requirements of this subsection ( ) are met.

(2)

(A) Except as provided in subdivision ( ) (2)(B), a video recording may be admitted as provided in subdivision ( ) (1) if:

(i) The video recording is shown to the reasonable satisfaction of the court to possess particularized guarantees of trustworthiness. In determining whether a statement possesses particularized guarantees of trustworthiness, the court may consider the factors set forth in § 24-7-123(b)(2);

(ii) The interview was conducted by a forensic interviewer who met the requirements of § 24-7-123(b)(3) at the time the video recording was made;

(iii) The recording is both visual and oral and is recorded on film or videotape or by other similar audiovisual means;

(iv) The entire interview of the child was recorded on the video recording and the video recording is unaltered and accurately reflects the interview of the child; and

(v) Every voice heard on the video recording is properly identified as determined by the court.

(B) In delinquency and unruly conduct proceedings, a video recording may be admitted as provided in subdivision ( ) (1) if the requirements of § 24-7-123(b) have been met.

(3) If a video recording is offered into evidence pursuant to subdivision ( ) (1), then the court shall:

(A) Make specific findings of fact on the record as to the basis for the court's ruling regarding the admission or denial of admission of the video recording; and

(B) Enter a protective order to restrict the video recording from further disclosure or dissemination.

(4) A video recording offered into evidence pursuant to this subsection ( ) is not a public record. The court shall order the video recording to be sealed and preserved following the conclusion of any proceeding.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.